



The COURT COMPASS

NEWSLETTER OF THE MASSACHUSETTS JUDICIAL BRANCH



Court Officer June T. Kelly
2004 Trial Court Employee of the Year

Court Officer June Kelly Named 2004 Trial Court Employee of the Year

Court Officer June T. Kelly received one of the most pleasant surprises of her nearly twenty years at Norfolk Superior Court when she reported for work one day in April and learned that she had been named the 2004 Trial Court Employee of the Year.

"I had no idea that I had even been nominated. I was very surprised," she said.

Chief Court Officer Paul R. Cheney said he nominated her for the honor because of her high professionalism and energy, and her ability to maintain order under sometimes very trying circumstances while remaining very cordial to the public.

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Judicial Response System to Mark 20 Years of Providing Emergency Access to Justice

Several years ago Superior Court Judge Paul A. Chernoff was summoned to a Boston hospital in the middle of the night to decide a question of life or death. An infant nine days old had been born with constricted pulmonary arteries affecting blood flow between heart and lungs, and could breathe only in an environment of pure, pressurized oxygen. Doctors had prescribed the treatment in the hopes that the arteries would grow wider, which is a possibility only with a newborn. However, twelve days of such treatment could cause brain damage, blindness, and other organ failure. The infant also appeared to be in pain, prompting the parents to demand that the doctors remove the infant from the oxygen ventilator.

"It was a very difficult situation," Judge Chernoff said. "The parents felt 'enough is enough, let the Lord decide what to do.'"

After appointing an attorney to represent the interests of the infant, Judge Chernoff conducted a hearing at the hospital that also included attorneys for the hospital and parents. After several hours of testimony and deliberation, he ruled that treatment should continue. The next day the infant's condition still had not improved, and Judge Chernoff again ordered the treatment to continue.

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have to think on your feet.'**

— **Judge Robert C. Rufo,**
West Roxbury Division
of the Boston Municipal Court

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"We've had several very high-profile trials here," he said. "Officer Kelly has always handled the pressures very well, and we've received many letters from jurors commenting about how Officer Kelly always treated them very well and with great respect."

In support of her nomination, Superior Court Judge Barbara A. Dortch-Okara wrote that while Officer Kelly was always very vigilant in observing everyone in the courtroom to prevent any problem that could jeopardize a trial, she also maintained a very positive, friendly disposition.

"After jury trials, I ask jurors to comment on their experience so that

we may learn of any problems they encountered," Judge Dortch-Okara wrote. "Invariably, they praise Officer Kelly profusely."

In addition to fulfilling her duties in the courtroom and working with the jury pool, Officer Kelly is also a registered nurse who has utilized her medical training in the courthouse on a number of occasions. "Like any other court officer," she said, "I've been called to assist in a number of medical emergencies here at the court."

"There's never been a day when I've not wanted to come to work. The people here are very good to work with, and I've seen a lot of interesting cases. I just love it here." ■

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The day after that, Judge Chernoff was presiding over a jury trial when the infant's attorney burst in and ran toward the bench. "The court officers almost tackled him," Judge Chernoff said. "But he had just come from the hospital and gleefully reported that the baby's condition was perfect."

20 Years of Service

While the case was one of the most dramatic of Judge Chernoff's twenty-eight years on the bench, his availability to decide it in the middle of the night was not unique. Since July 13, 1984, Trial Court judges have been available to decide emergency matters whenever the courts are closed via the Emergency Response System. As the system approaches its twentieth anniversary, judges have responded to more than 160,000 calls at night, during weekends, and on holidays.

Eight judges serve at one time, each assigned to one of eight regions covering the state. In seven regions, judges serve for a week that starts at 4:30 p.m. on Thursday and ends at 8:30 a.m. the following Thursday. Each judge typically answers twenty-five to thirty calls in a week. In Berkshire County, judges are assigned to the system for a month at a time and respond to an average of ten to fifteen calls.

The Judicial Response System is managed by the Administrative Office of the Trial Court's Planning and Development Department. Every Tuesday, Court Program Manager Sybil Martin mails pagers, cell phones and log books to the judges scheduled to begin later in the week, and she notifies the State Police Department of the judges' names and telephone and beeper numbers. The State Police send the information to the police departments in each region, enabling local police officers to contact a judge whenever the need arises.

*Judicial Response System continued on page 3***2004 Trial Court Employee Excellence Award Winners****Robert A. Abaid**

Case Specialist
Norfolk Probate & Family Court

Stephen L. Allsopp

Assistant Chief Probation Officer
Middlesex Juvenile Court

Louis A. Casale

Custodian
AOTC Court Facilities Bureau

Ronald D. Costa

Court Officer II
Middlesex Superior Court

Juliet E. Farrell

Acting Office Manager
Boston Juvenile Court
Probation Office

Andrea L. Gomes

Acting Office Manager
Boston Housing Court

Janet M. Higgins

Secretary to the Justices
Boston Municipal Court

Daniel E. Horgan

Official Court Reporter
Barnstable Superior Court

Patricia A. Lunny

Case Coordinator II
New Bedford District Court

Laura A. Maldonado

Head Administrative Assistant
Gardner District Court

Brian Monaghan

Assistant Chief Probation Officer
Essex Probate & Family Court

Sharon A. Neal

Associate User Support Analyst
AOTC Information Technology
Department

Kathleen Parent

Office Manager
Hampshire Probate & Family Court

Camilla M. Urban

Account Clerk II
Land Court



Work on the exterior of the Newton Trial Court included the addition of a ramp to improve handicapped access, above. In the main courtroom, left, a new lighting system was installed and the wood paneling and other architectural details were restored to their original state. The Newton architectural firm of Drummey Rosane Anderson Inc. designed the renovations, with Bilt-Rite Construction, Inc., of Boston serving as the general contractor.

Newton District Court Returns to Renovated Courthouse in West Newton

The Newton District Court has returned to the courthouse on Washington Street in West Newton, after having operated in East Cambridge for more than two years as work crews completely renovated the seventy-four-year-old building.

The Court opened for business in the refurbished Newton Trial Court on March 1, with a formal ribbon-cutting ceremony scheduled for May 13. Improvements to the courthouse include construction of a fully handicapped-accessible courtroom on the second floor, two new staircases, and the installation of new elevators and electrical, mechanical, plumbing, and security systems.

Work on the outside of the courthouse included construction of a new roof and wheelchair ramp, as well as extensive restoration of the exterior brickwork. The \$11.3 million project, funded by the 1998 Court Facilities Bond Bill, was managed by the Division of Capital Asset Management and the Administrative Office of the Trial Court's Court Capital Projects Department.

Judicial Response System

"Once that beeper goes off, you never really know what kind of situation you'll be presented with," commented Judge Robert C. Rufo of the West Roxbury Division of the Boston Municipal Court. "When you're on the system, you're sitting as a judge of all seven Trial Court departments, and matters can come up that are not seen in the day-to-day course of our regular work. It can be very challenging. You really have to think on your feet."

To help judges prepare, the Planning and Development Department and Judicial Institute conduct an orientation session about the system for

new judges. Every judge is also provided a thick manual, updated annually, that covers procedures and questions of law that may arise, as well as a contact list of Trial Court, Appeals Court, and Supreme Judicial Court judges with particular expertise in specific areas of law. Every Trial Court judge has also been provided a laptop computer, and can quickly do some on-line research if necessary.

Changes over the Years

Technological developments have changed the system in other ways as well. Judge Chernoff, who as a

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Newton District Court Judge participated in the system soon after its creation, recalled the size of the first telephones they used.

"At first we didn't have real cell phones," he said. "They were telephones with enormous batteries that looked like a shoebox. I remember going out to eat at a restaurant, and having to put the big box on the table."

The advent of facsimile machines and email has also eased the logistics of transmitting paperwork. Some cases, such as a request

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Chief Justice Marshall Hails Massachusetts Constitution as Model for World

Supreme Judicial Court Chief Justice Margaret H. Marshall, right, and Middlesex Community College President Carole Cowan prepare to cut the ribbon marking the opening of the College's newly renovated Federal Building in Lowell on March 25. Chief Justice Marshall participated in the festivities before addressing several hundred students, teachers, administrators, and members of the local community as the featured speaker in a special presentation of the College's "One World Series" of lectures. In her speech, "A Mighty Invention: The Massachusetts Constitution in a New Millennium," she lauded the Constitution and its principal author, John Adams, for establishing an independent judiciary that is increasingly becoming a model for emerging democracies throughout the world.



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for a search warrant, may require a judge to review a lengthy affidavit. The technological advances allow judges to receive such information more quickly, further expediting the process.

Another change occurred in 1993, when legislation made participation mandatory for all Trial Court judges. At its inception, judges served two-week stints on a voluntary basis.

Abuse Prevention Orders

Over the years, however, ninety percent of the calls to the Judicial Response System have been requests for abuse prevention orders. A judge issuing such orders usually has them expire in the afternoon of the next day that courts are open, when the complainant has the option of renewing it at the local courthouse.

"When I call back the number on my beeper I have no idea who I'm calling," Judge Rufo said. "It may be a police number, but often it's the house of the person seeking the restraining order. Once I reach the police, though, they become our eyes

'It's not overly burdensome. Despite the interruptions, it has never been a significant interference in my regular routine. ... The main point, however, is that it is a very important service to the public and to the police.'

— **Judge Elizabeth M. Fahey,**
Superior Court

and ears and they can describe the situation to us."

The officer at the scene then fills out the abuse prevention order under the direction of the judge.

Superior Court Judge Elizabeth M. Fahey, who has served on the system five times, noted that the experience has also helped inform her decision-making from the bench.

"Serving on the Judicial Response System gives you a very direct sense of police work," she said. "The immediacy of the pressures they face is not always apparent in the courtroom."

And although answering a beeper in the middle of the night can be jarring, the benefits to the public are well worth the effort.

"It's not overly burdensome," she said. "Despite the interruptions, it has never been a significant interference in my regular routine. For one thing, the flexibility and support of the Administrative Office make it as painless as it can be. The main point, however, is that it is a very important service to the public and to the police."

Judge Rufo added that he's had several conversations about the Judicial Response System with judges from states that do not offer a similar service.

"Their reaction is often one of disbelief that Massachusetts judges are available twenty-four hours a day, seven days a week," he said. "But obviously we're there for the safety and convenience of the public. It's simply a part of the job. I'm happy to do it, and I know my colleagues think so too." ■

Extraordinary Public Service Distinguishes Career of District Court Chief Justice Samuel Zoll

District Court Chief Justice Samuel E. Zoll's thirty-one year career in the judiciary will draw to a close June 20, when he reaches the mandatory retirement age of 70. He became a judge in 1973, when he was appointed Special Justice of the Ipswich District Court by Governor Francis W. Sargent. In 1974 Governor Sargent appointed him Presiding Justice of the Salem District Court and in 1976 Governor Michael S. Dukakis appointed him Chief Justice of the District Court Department.

His career in government service, however, also includes leadership roles in the Legislative and Executive branches. He was elected in 1958 to the Salem City Council, where he served for six years, including a one-year term as Council President. In 1965 he successfully ran for the House of Representatives, where he remained for five years before serving as Mayor of Salem from 1970 to 1973.

In April, Chief Justice Zoll met with The Court Compass and discussed his years of service and the changes that have taken place within the court system.

Court Compass: Why did you want to become a judge?

Chief Justice Zoll: I have always had a very deep respect for the law and I very much enjoyed practicing law. I felt that being a judge was a very meaningful, exciting challenge within public service. I especially wanted to be a District Court judge because I felt the impact of the court would be felt in all aspects of community living. I felt there was an opportunity to make a difference in a position of great honor and deep responsibility.

CC: Have your previous experiences as Salem City Councillor, Mayor, and State Representative helped you in your work as judge and Chief Justice?

Chief Justice Zoll: Immensely. There is the perception in some quar-



District Court Chief Justice Samuel E. Zoll

ters that the position of Mayor, rather than an administrative job, is primarily political in nature. It is in the best sense in that you have to get elected.

However, the work of being mayor, leading and administering a city, is the least political of any elective office. A major role of any public leader is to be inspirational and have a passion for the institution that he or she has been entrusted to lead. In addition, there is the background and technical knowledge necessary to equip you to manage budgets, settle personnel matters, engage in labor relations and meet the myriad of local demands for relief and assistance.

You develop a facility for making decisions under pressure with virtually no insulation against singular accountability. You are physically in the community on the ground making tough decisions every day. Everyone in the community feels, and should feel, that there is direct access to the mayor and that he or she will at least give their concerns due and fair consideration. They feel directly

every decision that you make. The result of all that is sobering responsibility.

Being in the legislature broadened my knowledge of government, provided me with insight into how ideas become law, and forged personal relationships that are a lifetime in length.

A couple of axioms have governed my everyday work. I have always attempted to govern not by fiat, but by inspiration. I have always felt that there has to be a mix of knowledge, industry, and integrity to successfully administer institutions of any size, particularly one the size of the District Court system.

CC: How did you become interested in public service?

Chief Justice Zoll: During grammar school, high school and college, from age eight and a half until I graduated from college and went into the military service, I delivered several hundred newspapers every day, and several hundred more on Sundays. Thus, I was literally in thousands of homes in Salem.

Chief Justice Zoll

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This was a different time, when there was less emphasis on self-service and when two things were important to residents of the community — the regularity and reliability of the delivery of milk and the delivery of newspapers. People established their daily patterns according to the times that each was delivered. It was most important that as a provider you had to develop a trait of dependability and punctuality. I prided myself on the fact that I never missed a day, you could set your watch by me, and there was never any money missing that was left on the back steps. I came to know thousands of people and became in some respects part of their families because of a developed closeness with them and my longevity. This nurtured my love affair with the city and my desire to be involved in its governance.

I owe so much to the people in the city of Salem for giving me my start and taking a chance on me. They were always there for me at every turn.

I also worked many other places. I've been a laborer working in a shoe factory and a custodian — in those days we were called janitors — at Salem Hospital. I taught school for four and a half years at Danvers Junior and Senior High. I was always involved with young people, so I managed to stay contemporary and they gave me a vitality and zest for life.

Of course, as I moved along in political positions, I became exposed even more to the various facets of the community in a broader sort of way.

So overall I came to the position with a love and comprehensive awareness of the local community, its problems, its expectations, and its fabric.

CC: How did understanding the people and community of Salem help you on the bench?

Chief Justice Zoll: I knew the limitation of resources of the people who came before me, and had familiarity with such basic issues of employment, educational levels, housing issues, and the unevenness of opportunities by

virtue of circumstances sometimes far outside the control of those before me. I had been very active in the athletic community in Salem, in particular school issues and other adult community organizations. I had a very deep familiarity with all aspects of the community, a grounding in the basic issues that brought people to court, the need for civility and security in the city and the implications of anti-social behavior.

'I owe so much to the people in the city of Salem for giving me my start and taking a chance on me. They were always there for me at every turn.'

— District Court Chief Justice Samuel E. Zoll

CC: Did your grounding in the community give you more sympathy for the people who came before you?

Chief Justice Zoll: It gave me more of an understanding. It also increased my credibility. People were aware of the fact that the judgments I was making embraced an awareness of the terrain and of the implications of my decisions.

It also gave me a strong sense of what the public's expectations for the court were in the community.

CC: What were the expectations?

Chief Justice Zoll: That there be a respect for the law and that there will not be a fear that their lives will be changed by others' errant behavior. I understood that, and I think I understood some of the causes of crime and delinquency.

CC: Do you think public expectations have changed much over the years?

Chief Justice Zoll: Some things have changed and some have not.

One that has not changed is that I've always considered the judicial position to be that of a fiduciary. I have a responsibility to the history of the institution, to be reasonable in the present and to do nothing that would sully its future. There's a public expectation that

a judge should conduct himself or herself professionally and personally with the dignity appropriate to the rare privilege of being a judge. I don't think there has been any dilution of that expectation. I have always encouraged every judge that has joined this court to exercise this trusteeship with that same sense of history and fiduciary responsibility.

I also think that there are two tracks. One is that over the past thirty years there has been an expansion of social service agencies to deal with the rehabilitation aspect of defendants in criminal cases. At the same time there's a growing sense among people that more emphasis should be placed on the punitive — i.e., incarceration — rather than on intermediary attempts at rehabilitation. So it's the judge's responsibility to hear the facts, apply the law, review the defendant's history and then, based on his or her experience, select a disposition that attempts to consider both needs.

When I arrived in this position in 1976 public focus on the courts was high. Governor Dukakis, court reformers and members of the [Archibald] Cox Commission were urging change. In a sense the local community court was on trial. I hope we have balanced that demand with the preservation of the due process requirements that so distinguish our history.

CC: The court system has undergone major changes in the past thirty years. Has centralization of the District Court administration been a significant issue of your years as Chief Justice?

Chief Justice Zoll: It has been. I came on during the proceedings of the Cox Commission that Governor Dukakis appointed. That was the first major court reorganization effort in the 20th century. This was before the creation of the position of Chief Justice for Administration and Management. I began when the District Courts were essentially county courts. Each of the fourteen counties had its own county commissioners. At the time, Supreme Judicial Court Chief Justice [Edward

Chief Justice Zoll

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COURTS IN THE COMMUNITY



Chief Justices Hold Monthly Meetings Throughout the State

Since his term began on October 1, 2003, Chief Justice for Administration and Management Robert A. Mulligan has held monthly meetings with the Chief Justices in several courthouses throughout the Commonwealth.

Supreme Judicial Court Chief Justice Margaret H. Marshall, Appeals Court Chief Justice Christopher J. Armstrong, Chief Justice Mulligan and the seven Chief Justices of the Trial Court met at the Hall of Justice in Springfield in November, the Fall River Trial Court in January, and the Brockton Trial Court in April. On May 21, they will meet in the Salem District Court.

A typical day for the Chief Justices' meetings outside Boston begins early with an informal session with local legislators and the local court community, followed by the formal two-hour meeting of the Chief Justices. After their discussion, the Chief Justices tour the area courthouses and exchange information with First Justices, Clerks, Chief Probation Officers, and their staffs. The local bar association generally holds a luncheon, which gives attorneys in the region an opportunity to meet with the Chief Justices and the judges and clerks of the area. Chief Justice Marshall and Chief Justice Mulligan also meet with editorial boards or hold interviews with local reporters to keep them informed of the courts' activities.

Meetings of the Chief Justices have focused on budgetary issues, the progress of *MassCourts*, development of staffing models and time standards, and other court management issues.



Supreme Judicial Court Justice Roderick L. Ireland visits with students and teachers of two elementary schools in Milton.

Courts Teach Students about Role of the Judicial Branch

Judges and court personnel throughout Massachusetts frequently meet with teachers and students of all ages to provide first-hand information about the role of the judiciary.

Several of the many educational events held this spring included Student Government Day festivities on April 2 at the State House, where Supreme Judicial Court Justice **Robert J. Cordy** addressed 300 high school students from throughout Massachusetts. Following the assembly, eighteen students toured the Supreme Judicial Court and discussed the court system with Justice **Cordy** and Justice **Roderick L. Ireland**.

In March, Justice **Ireland** also visited with elementary students from the Tucker School and the Glover School in Milton, and judged the championship round of the Massachusetts Bar Association's Mock Trial competition at Boston's Faneuil Hall.

Eighteen students and two teachers from Boston's John W. McCormack Middle School took part in a program organized by the Massachusetts Sentencing Commission on April 6. Taking part in the program were:

Massachusetts Sentencing Commission **Executive Director Frank Carney**; Commission **Executive Assistant Valerie Caldwell, Esq.**; Suffolk Juvenile Court **Judge Leslie E. Harris**; Commission **Research Director Linda K. Holt**; Commission **Research Analyst Lee M. Kavanagh, Esq.**; Suffolk Superior Court **Assistant Chief Probation Officer Kathy L. Tate** and **Probation Officer Kevin Sanderfer**; Suffolk Superior Court Criminal Division **Assistant Clerk-Magistrate Robin E. Vaughan, Esq.**; Superior Court **Judge Geraldine S. Hines**; and Suffolk Superior Court **Chief Court Officer Juan de los Santos**.

Judge R. Peter Anderson, Presiding Justice of the Brighton Division of the Boston Municipal Court, was a featured speaker during a program at Brighton's Thomas A. Edison Middle School in April.

Supreme Judicial Court Justice **Martha B. Sosman** gave a speech for students from several high schools during a program on civics and government at Concord-Carlisle High School.

On May 10, **Judge Harris** will be speaking to seventh-graders at the Harbor Middle School in Dorchester.

Chief Justice Zoll

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F.] Hennessey, Professor Cox, Governor Dukakis, Dan Taylor, the Governor's Chief Legal Counsel, and citizens involved in a reformation effort and I were engaged in this reorganization effort. That was extremely challenging.

I was also here for the 1992 reorganization, and everything else in between. This place doesn't look anything like it did in 1973. I think if some of my colleagues who retired around 1973 ever came back to take a look they might feel that they were on a yet unnamed planet.

CC: Has striking a balance between the influences of the Administrative Office and each court's local community been a concern?

Chief Justice Zoll: It has not been a concern. However, I have tried very much to be at the forefront of preserving the community court concept. We have an extraordinary group of judges, clerk-magistrates and court employees in the District Court. I've always been driven by the need to have the public, the bar, and everybody else aware that the District Court personnel have the capacity to handle the most complicated and consequential matters that come before the courts. The District Court is filled with major talent and I hope that we at the central office have been supportive and helpful to their effort.

CC: Of the changes that have occurred over the last thirty years, which have been the most important?

Chief Justice Zoll: The increased professionalism of the courts, in terms of continuing education, constant updates on the law, the abolition of trial *de novo* — defendants used to get two bites of the apple — and the increased emphasis on matters relating to probation revocation. Other major changes include the development of sophisticated budgeting and personnel

standards, and the improvement of facilities.

CC: Any particular accomplishments that you are most proud of?

Chief Justice Zoll: I didn't accomplish anything singularly. Any accomplishments that were attained during my tenure were directly related to the tremendously talented people we have here in the Administrative Office and throughout the system. I consider myself to be very fortunate to have been present and perhaps able to provide some guidance during these periods of immense change.

If I make it to June 20th, I will have approximately forty-seven years of public life. I have never had a day, since I was eight and one half years old, in which I have not had a job. And I have never had a day when I awoke in the morning and said to myself, "Ugh, do I have to go to work today?" It's been such a gift to have enjoyed every day of my work.

One regret I have concerns my wife and four children. I could not have made it without them. They have always been very supportive of what I did, but my work was quite a draw on my energy and time with them. I understand that you can't have it both ways. However, I'm very much indebted to them because I never could have done my work without them.

CC: What are your future plans?

Chief Justice Zoll: At the moment, I have not made any specific plans. I know one thing I'm not going to do. I'm not going to just sit around and pontificate and tell anecdotes about what the years have brought. I do a lot of swimming and a lot of biking. Whatever I do, that will continue to be a piece of it. Lance Armstrong has not called me to be a member of his cycling team. If called, however, I would accept. ■

Take The Court Compass Reader Survey

The Supreme Judicial Court Public Information Office is interested in hearing your thoughts and ideas on how The Court Compass is meeting your needs.

Copies of our Reader Survey are being distributed with the hard copies of this edition. If you have not received a survey but would like one, please contact us at the addresses and numbers below.

Judges and court personnel with access to the Court System Intranet site, <http://trialcourtweb.jud.state.ma.us>, may also fill out the survey on-line. Nearly one hundred judges and court personnel have already responded, and we appreciate your assistance. We will be incorporating many of your suggestions, and we invite you to continue sending us your ideas.

The Court Compass

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